

ASSEMBLY BILL

No. 1675

Introduced by Assembly Member Longville

February 21, 2003

An act to amend Section 1808.22 of the Vehicle Code, relating to the Department of Motor Vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1675, as introduced, Longville. Vehicles: Department of Motor Vehicles: records.

Under existing law, the residence address in any record of the Department of Motor Vehicles is confidential, with specified exceptions. One exception applies to an attorney when the attorney states that the motor vehicle or vessel registered owner or driver residential address information is needed in a civil or criminal action, as specified.

This bill would provide that the attorney exemption does not apply to an action or case on behalf of a private parking owner or private parking entity in order to pursue fees on delinquent charges arising from parking notices issued on private property.

Because the unauthorized disclosure of this information would be a crime, this bill would impose a state-mandated local program by expanding the scope of an existing crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1808.22 of the Vehicle Code is amended
2 to read:

3 1808.22. (a) Section 1808.21 does not apply to a financial
4 institution licensed by the state or federal government to do
5 business in the State of California which states under penalty of
6 perjury that it has obtained a written waiver of Section 1808.21
7 signed by the individual whose address is requested, or to
8 providing the address of any person who has entered into an
9 agreement held by that institution prior to July 1, 1990, so long as
10 that agreement remains in effect.

11 (b) Section 1808.21 does not apply to an insurance company
12 licensed to do business in California when the company, under
13 penalty of perjury, requests the information for the purpose of
14 obtaining the address of another motorist or vehicle owner
15 involved in an accident with their insured, or requests the
16 information on an individual who has signed a written waiver of
17 Section 1808.21 or the individuals insured under a policy if a
18 named insured of that policy has signed a written waiver.

19 (c) Section 1808.21 does not apply to an attorney when the
20 attorney states, under penalty of perjury, that the motor vehicle or
21 vessel registered owner or driver residential address information
22 is necessary in order to represent his or her client in a criminal or
23 civil action which directly involves the use of the motor vehicle or
24 vessel that is pending, is to be filed, or is being investigated.
25 Information requested pursuant to this subdivision is subject to all
26 of the following:

27 (1) The attorney shall state that the criminal or civil action that
28 is pending, is to be filed, or is being investigated relates directly
29 to the use of that motor vehicle or vessel.

30 (2) The case number, if any, or the names of expected parties
31 to the extent they are known to the attorney requesting the
32 information, shall be listed on the request.

33 (3) A residence address obtained from the department shall not
34 be used for any purpose other than in furtherance of the case cited
35 or action to be filed or which is being investigated.



1 (4) If no action is filed within a reasonable time, the residence
2 address information shall be destroyed.

3 (5) No attorney shall request residence address information
4 pursuant to this subdivision in order to sell the information to any
5 person.

6 (6) Within 10 days of receipt of a request, the department shall
7 notify every individual whose residence address has been
8 requested pursuant to this subdivision.

9 (d) *As used in subdivision (c), a criminal or civil action or case*
10 *does not include an action or case taken on behalf of a private*
11 *parking owner or private parking entity in order to pursue fees or*
12 *delinquent charges arising from parking notices issued on private*
13 *property.*

14 (e) A knowing violation of paragraph (1), (2), (3), (4), or (5) of
15 subdivision (c) is a misdemeanor. A knowing violation of
16 paragraph (1), (2), (3), (4), or (5) of subdivision (c) in furtherance
17 of another crime is subject to the same penalties as that other crime.

18 SEC. 2. No reimbursement is required by this act pursuant to
19 Section 6 of Article XIII B of the California Constitution because
20 the only costs that may be incurred by a local agency or school
21 district will be incurred because this act creates a new crime or
22 infraction, eliminates a crime or infraction, or changes the penalty
23 for a crime or infraction, within the meaning of Section 17556 of
24 the Government Code, or changes the definition of a crime within
25 the meaning of Section 6 of Article XIII B of the California
26 Constitution.

